

Order

Michigan Supreme Court
Lansing, Michigan

April 29, 2009

Marilyn Kelly,
Chief Justice

136680 & (89)(90)(93)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

EDITH KYSER,
Plaintiff-Appellee,

v

SC: 136680
COA: 272516
Leelanau CC: 04-006531-CZ

KASSON TOWNSHIP,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 6, 2008 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the “no very serious consequences” rule of *Silva v Ada Township*, 416 Mich 153 (1982), was superseded by the enactment of 1978 PA 637, MCL 125.297a (now recodified in nearly identical language as MCL 125.3207); (2) whether the “no very serious consequences” rule violates the separation of powers doctrine by providing enhanced judicial review of local zoning decisions; and (3) whether the “no very serious consequences” rule impermissibly shifts the burden of proof onto the local government to defend its zoning policy.

The motions for leave to file briefs amicus curiae are GRANTED. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.

WEAVER, J., is not participating in this case because she has a past and current business relationship with Kasson Township Supervisor Fred Lanham and his family.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 29, 2009

Corbin R. Davis

Clerk